

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2754

Introduced by Assembly Member Chan

February 24, 2006

~~An act to amend Sections 1266 and 1279 of, and to add Sections 1279.1, 1279.2, and 1279.3 to, the Health and Safety Code, relating to~~
An act to add Section 1276.45 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2754, as amended, Chan. ~~Health facilities—Hospitals: staffing.~~

Existing law provides for the inspection, licensure, and regulation of health facilities by the State Department of Health Services, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of the provisions regulating health facilities is a crime.

Existing law requires that certain building standards published by the Office of Statewide Health Planning and Development, and regulations adopted by the department, prescribe specified standards with respect to health facilities, including standards regarding staffing facilities with duly qualified licensed personnel.

This bill would require a general acute care, acute psychiatric, or special hospital to adopt, and annually review, a plan or procedure for determining the staffing of professional and technical classifications covered under the above provisions. The bill would provide that the plan or procedure shall not apply to the staffing of nursing personnel. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law provides for the inspection, licensure, and regulation of health care facilities by the State Department of Health Services, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, special hospitals, and long-term health care facilities, some of which are collectively referred to as nursing homes.~~

~~Existing law establishes licensing and annual renewal fees for health facilities, and requires the department, by March 1 of each year, to make certain information regarding the methodology and calculations used to determine these fee amounts available to interested parties, upon request.~~

~~This bill instead would require the department to make this information available by February 17, and would further require the department to make the information available to the budget and relevant policy committees of the Legislature without the need for a request. The bill would revise requirements relating to the department's preparation of that staffing and systems analysis.~~

~~(2) Existing law, prior to the establishment of these fees, requires the department to prepare annually a staffing and systems analysis to ensure efficient and effective utilization of the fees collected and proper allocation of departmental resources.~~

~~Existing law requires the department to conduct periodic inspections of health facilities for which a license or special permit has been issued, to insure the quality of care. Existing law exempts certain health facilities that are certified to participate in the federal Medicare and Medicaid Programs from certain inspections. Existing law also authorizes the department to contract for outside personnel to perform inspections of health facilities as the need arises.~~

~~This bill would require the department to inspect for compliance with state law and regulation during state and federal periodic inspections, notwithstanding any other provision of law.~~

~~(3) This bill would require the department to conduct an onsite inspection or investigation within 48 hours or 2 business days of a complaint involving the threat of imminent danger of death or serious~~

~~bodily harm at a general acute care hospital, an acute psychiatric hospital, or a special hospital. The bill would require the outcome of investigations or inspections conducted in accordance with these provisions to be posted on the department's Internet Web site and available in written form.~~

~~(4) The bill would require the Director of Health Services to establish and maintain a toll-free telephone number for the purpose of receiving complaints regarding regulated health facilities. It would also require every health facility to publish and post this number, as well as other information regarding communications with the department, including the department's Internet Web address. The bill would require, on and after July 1, 2007, every facility with an Internet Web site to include on this site a current hyperlink to the department's Internet Web site and a prescribed statement.~~

~~(5) Violation of provisions relating to the operation of health facilities is a crime. Therefore, by imposing new and revised requirements on health facilities, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 1276.45 is added to the Health and
2 Safety Code, to read:
3 1276.45. (a) A hospital licensed pursuant to subdivision (a),
4 (b), or (f) of Section 1250 shall adopt a plan or procedure for
5 determining the staffing of professional and technical
6 classifications covered under Section 1276. The plan or
7 procedure shall not apply to the staffing of nursing personnel.
8 (b) The plan or procedure shall be used by the hospital to
9 determine the amount of competent personnel with the
10 appropriate combination of skills necessary to meet the needs of
11 its patients. The hospital shall annually review the plan or

1 *procedure to determine whether it should be adjusted in order to*
2 *reduce bad patient outcomes and workplace injuries. The*
3 *hospital shall document any changes made to the plan or*
4 *procedure.*

5 *(c) The plan or procedure shall be available for review upon*
6 *request. The hospital shall provide any interested person with a*
7 *copy of the plan or procedure either electronically or in printed*
8 *form. The hospital may require payment of reasonable*
9 *reproduction costs if provided in print.*

10 *(d) Failure to maintain, to review annually, or to comply with*
11 *a plan or procedure as required by this section shall be deemed*
12 *by the department to constitute staffing that has the potential for*
13 *harm to patients.*

14 *(e) During surveys for compliance with state or federal*
15 *statutes or regulations, the department shall review the plan or*
16 *procedure, the hospital's compliance with it, and the annual*
17 *updates to it to determine compliance with this section.*

18 *SEC. 2. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the*
23 *penalty for a crime or infraction, within the meaning of Section*
24 *17556 of the Government Code, or changes the definition of a*
25 *crime within the meaning of Section 6 of Article XIII B of the*
26 *California Constitution.*

27 ~~SECTION 1. Section 1266 of the Health and Safety Code is~~
28 ~~amended to read:~~

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31 **All matter omitted in this version of the bill**
32 **appears in the bill as introduced in the**
33 **Assembly, February 24, 2006 (JR11)**
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